IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 26059 of 2007(B)

PETITIONER:

ABDU RAHIM, BANATHUM KANDY,
TREASURER, SUB TREASURY, PANOOR.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:
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1. DISTRICT TREASURY OFFICER,
MATTANNUR.

2. NAZAR,
TREASURER, SUB TREASURY OFFICE,
THALASSERY.

BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P.(C) No. 26059 of 2007

Dated this the 20th day of September, 2007

JUDGMENT

The writ petitioner challenges an order of transfer by which the petitioner working in the Sub Treasury Panoor was transferred to the Sub Treasury, Peravoor. The said order of transfer, quoted with reference to the number and date was not produced along with the writ petition, but was later produced along with I.A.12080/2007 as Ext.P6. Essentially, the grievance sought to be high-lighted by the petitioner was that he had been transferred from Iritty to Panoor with effect from 5.7.2004. On 22.5.2006, he was transferred to Peravoor and apparently, he took charge at Peravoor on 26.6.2006. It seems that on the immediate following date i.e. 27.6.2006, he was transferred to Panoor and apparently it is under Ext.P6 order that he has now _again been shifted to Peravoor. According to the petitioner, he had given an option to be considered for a posting at Koothuparamba.

2. Frequent transfers which the petitioner, apparently, had suffered from Iritty to Pannur and to Peravoor and then back to Panoor and now again to Peravoor is sought to be high-lighted in the writ petition as an evidence of arbitrariness and it is in this context that the petitioner sought for interference with the order of transfer Ext.P6.

3. On 14.9.2007, this Court passed an interim order. The relevant

portion of the interim order is extracted hereunder.

> **"Learned Government Pleader submits that the petitioner working as a Treasury Officer in the Treasury Department was originally transferred from Iratti to Panoor in Kannur district and was posted in Panoor with effect from 5.7.2004. On 22.5.2006, he was transferred to Peravoor and apparently he took charge on 26.6.2006. Learned Government Pleader submits that the petitioner after taking charge on 26.6.2006 requested for re-transfer to Panoor and accordingly Ext.P4 was passed on 27.6.2006 re-transferring him to Panoor on 27.6.2006 i.e. the day following the day on which he took charge at Peravoor. Learned Counsel for the petitioner Mr.Vijayakumar submits that Ext.P4 order was not on request. It is not possible to make out from Ext.P4 whether the petitioner is transferred back to Panoor from Peravoor vide Ext.P4 on the request of the petitioner."**

4. Pursuant to the interim order, the learned Government Pleader filed a statement in which reference is essentially made to the norms formulated by the Government as per G.O. dated 5.6.1997 by which Treasurers are to be transferred compulsorily after completing 3 years of service in a Treasury. Learned Government Pleader submits that the said norms have been applied in the case of the petitioner by reckoning his service continuously from 5.7.2004, then he was transferred to Panoor from Iratty as per Ext.P2 order. Mr. Vijayakumar, learned counsel for the petitioner submits that the three year norm will have to be applied, in the case of the petitioner with reference to the date on which he was re-transferred back to Panoor vide Ext.P4. As can be seen from the interim order extracted above, though it was contended on behalf of the respondents that the transfer of the petitioner from Peravoor to Panoor vide Ext.P4 is a request transfer, neither the order

nor the statement indicates the same.

5. In my opinion, a detailed consideration of the application of the norms formulated by the Government in the matter of transfer of Government employees or the application of the Government order dated 5.6.1997, in particular, may not be really warranted. The Government has taken note of the fact that the petitioner has actually completed more than 3 years of service at Panoor, disregarding a break which he had spent at Peravoor prior to Ext.P4.

6. I am, therefore, not going into the merits of the order of transfer. Mr.Vijayakumar submits that though Ext.P6 is dated 20.8.2007 and the writ petition was presented on 23.8.2007, the order of transfer was actually received by him only later. In the meanwhile, he had already filed Ext.P5 representation dated 21.8.2007 and apparently the petitioner has not been relieved from Panoor to Iratti.

7. In such circumstances, the writ petition is disposed of directing the first respondent to take a decision on Ext.P5, after hearing the petitioner and any other affected party, within a period of two weeks from the date of receipt of a copy of this judgment. Till orders are passed as above, petitioner shall be retained at Panoor.

V.GIRI, JUDGE

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V.GIRI,J.

W.P.(C) NO.26059 of 2007

Dated this the 14th day of September, 2007

ORDER

Learned Government Pleader submits that the petitioner, working as a Treasury Officer in the Treasury Department, was originally transferred from Iratti to Panoor in Kannur District and was posted in Panoor with effect from 5.7.2004. On 22.5.2006, he was transferred to Peravoor and apparently he took charge on 26.6.2006.

Learned Government Pleader also submits that the petitioner after taking charge on 26.6.2006 requested for re-transfer to Panoor and accordingly Ext.P4 was passed on 27.6.2006 re-transferring him to Panoor on 27.6.2006 i.e. the day following the day on which he took charge at Peravoor. Learned counsel for the petitioner Mr.Vijayakumar Submits that Ext.P4 order was not on request. It is not possible to make out from Ext.P4 whether the petitioner is transferred back to Panoor from Peravoor on the request of the petitioner.

2. Mr.Vijayakumar further submits that there seems to have been an unnecessary haste shown by the author of Ext.P6 who is stated to be an incumbent in charge of the post of the District Treasury Officer, Mattannur in transferring officials as per Ext.P6.

G.P. to get instructions on the said aspect also and also find out whether the Treasury Officer in charge continues in charge as a District Treasury Officer, Mattannur.

Learned Government Pleader to produce the files and also file a statement by 18.9.2007. Post on 19.9.2007.

Copy of the order may be handed over to both sides.

V.GIRI, JUDGE

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